IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14702 of 2002

Between:

A.Laxman Rao son of Adi Narayana,

Aged about 43 years, Electricity Line

Inspector (Presently under dismissal)

Office of the Addl. Asst., Engineer (Operation)

Piduguralla (Rural), Guntur District.

....PETITIONER

AND

1.A.P.Transco, rep. by its
Chairman-cum-M.D.Vidyut

Soudha, Hyderabad.

2.Divisional Engineer (Operation)

South Power Distribution Company

of A.P. Ltd.,, Macherla, Guntur district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus by calling for the records relating to and connection to proceedings No. DE/O/MCL/ADM-JAO/DNO. Camp/02, dated 16-07-2002 and set aside the same holding it absolutely illegal, arbitrary, unconstitutional, violative of principles of natural justice and also in violation Article 14 and 21 of the Constitution of India and consequently direct the respondent Board reinstate the petitioner with all back wages, continuous of service, seniority, promotion arrears of salary etc., and all service benefits.

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondents: MR.S.RAVINDRANATH, S.C.FOR APSEB

The Court made the following :

ORDER

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner who has been working as Electricity Line Inspector filed this Writ Petition *inter alia* seeking a writ of Mandamus challenging the impugned order, dated 16-07-2002 where under he was dismissed from service by placing reliance on the Government Memo No.1621/SPL.B/2001-1, dated 26-11-2001.

The learned counsel for the petitioner submits that the question involved is squarely covered by the decision of this Court reported in ***Chinthanuru Sivaiah v Southern Power Distribution Company of A.P. Ltd., Tenali and another*** wherein it was held that similar such memo is not applicable to the case other than the situation where allegation of

corruption exist. Admittedly, in this case, there is no charge of corruption against the petitioner.

In view of the above and also following the principles in the aforesaid decision, the Writ Petition is accordingly allowed and the impugned order, dated
16-07-2002, is set aside. No costs.

18-03-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Eighteenth day of March, 2005.

Asst. Registrar

To

1.The Chairman-cum-M.D. A.P.Transco
Vidyut Soudha, Hyderabad.

2.Divisional Engineer (Operation)

South Power Distribution Company

of A.P. Ltd.,, Macherla, Guntur district.

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